

convicted based on their criminal acts, not on what they say or what they believe, or because of the people with whom they are associated. There are some of us who criticize the bill as an improper exercise of Federal jurisdiction. But based on testimony and the issues of the witnesses at our hearings, this legislation has been carefully drafted to address the Supreme Court's decisions in *Lopez* and *Morrison*, which limited Congress' jurisdiction to pass legislation.

Furthermore, H.R. 1592, in response to the gentleman's complaint, Federal prosecutors must confer with State authorities to decide whether Federal jurisdiction is appropriate, and no prosecution can proceed without the express approval of the United States attorney general or his designee. Additionally at trial they must prove a valid Federal interest as a specific element of the crime.

In addition to creating new hate crime offenses and expanding the application of existing ones, this bill also establishes an important grant program to provide financial assistance to States, local, and tribal law enforcement agencies to provide much-needed assistance in investigating high-profile crimes.

Mr. Speaker, this bill has broad support. For these reasons, I urge my colleagues to support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and a ranking member of the IP subcommittee.

Mr. COBLE. I thank the gentleman from Texas.

Mr. Speaker, I rise in opposition to the bill before us.

All crimes are deplorable, particularly when they are motivated by some form of discrimination. But this bill, in my opinion, does nothing to prevent these acts. States and Federal governments traditionally prosecute hate crimes now. I agree with the argument that this bill would unfairly classify crimes against certain groups of people, and ignore others such as law enforcement, children, veterans or senior citizens who deserve the same degree of protection.

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I am concerned that this legislation will lead to unseemly investigations, possibly into thoughts and beliefs, which could have the effect of criminalizing religious or political speech.

Furthermore, I understand that the legislation does not have a nexus with interstate commerce that would survive a constitutional challenge.

I understand the need to protect vulnerable people, Mr. Speaker, and I support funding to help community safety and to prosecute criminals, but I cannot support this legislation.

Oftentimes, Mr. Speaker, those of us who oppose hate crime legislation are accused of being uncaring and insensi-

tive. Now, to those charges I plead "not guilty," but I oppose this, among other reasons, because hate crime legislation is duplicative. There is sufficient statutory relief readily available now to aggrieved victims. There is such a thing as having too many laws, and I think this would result if we enact this today, and I urge its defeat.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

(Mr. SHAYS asked and was given permission to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as one of the lead Republican cosponsors of H.R. 1592, I am pleased we are considering this legislation, which will allow the Justice Department to investigate crimes committed on the basis of the victims race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Under this bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right.

In my judgment, violence based on prejudice is a matter of national concern that federal prosecutors should be empowered to punish if the States are unable or unwilling to do so.

Franklin Delano Roosevelt once said:

We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

That statement is no less true today than it was back then. I urge support of this legislation.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this as the original cosponsor of this legislation. We find that a hate crime can ignite group-on-group violence that would tear a community apart. We have seen it in other countries; we want to make sure it never happens here.

This is especially dangerous when group-on-group violence can overwhelm a small suburban police department, and this offers assistance so that a small problem doesn't become a big problem and doesn't become a national problem. We saw when Rodney King was beaten that a riot broke out in Beloit, Wisconsin, and overwhelmed that police department.

So to be able to make sure that the Federal Government can defend the Nation and to make sure that our country stands not just for freedom and democracy, but also tolerance, is one reason why we should follow enactment of the Hate Crimes Statistics Act, under President George Herbert Walker Bush, to also pass this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a member of the Judiciary Committee and a former speaker of the Florida house.

Mr. FEENEY. I am very grateful to the ranking member.

Mr. Speaker, hate is an awful thing, but we cannot punish people for what is in their hearts. We cannot punish people and make it a crime for what people are thinking. We punish acts in this country.

Unfortunately, I think this bill is badly misnamed. This bill should not be called the hate crimes bill, this should be called the unequal protection bill, because what it does is to say that the dignity and the property and the person and the life of one person gets more protection than another American. That is just wrong. With respect to my friend from Illinois, who just said hate crimes can tear this country apart, that is what this bill does. It gives different people the protection of their life, their property, and their person based on their special status.

We need to treat all Americans equally. Justice ultimately must turn on the fundamental word of each and every human being as equal before God and before the law. This bill undermines both of those principles.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of the Subcommittee on the Constitution, the gentleman from New York, Mr. JERRY NADLER, for 2 minutes.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, this bill deals with violent crimes committed against victims who are singled out solely because someone doesn't like who they are.

Violent attacks because of actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability often cause serious injury or death. They are more serious than a normal assault because they target not just an individual, but an entire group. They spread terror to all members of the group and often deter them from exercising their constitutional rights, sometimes for simply walking down the wrong street.

The only question for Members is whether they believe that singling out a person for a crime of violence because of his or her race or religion or because any other trait is sufficiently heinous to merit strong punishment.

For many years, Mr. Speaker, Congress debated what were known as the Federal lynching laws. They were designed to deal with the widespread practice of lynching primarily African Americans. There was staunch resistance to those laws here in Congress. For three decades, they did not pass while thousands were lynched. We heard many of the same arguments then that we are hearing today. That was not a proud period in our Nation's history. Today, we can do the right thing. I hope we can agree to do so.